



U.S. OFFICE OF SPECIAL COUNSEL

Washington, D.C. 20036-4505

August 29, 2019

VIA ELECTRONIC MAIL

Mr. Robert Ivy
c/o Mark Cohen
[REDACTED]

Re: OSC File No. DI-18-5859

Dear Mr. Ivy:

The Office of Special Counsel (OSC) has completed its review of the information you submitted to the Retaliation and Disclosure Unit. You alleged that employees at the Department of Energy (DOE) in Washington, D.C. engaged in conduct that may constitute violations of laws, rules, or regulations; abuse of authority; gross waste of funds; and gross mismanagement. You consented to the disclosure of your name.

OSC is authorized to determine whether disclosures should be referred to the involved agency for investigation, or review, and a report; however, OSC does not have the authority to investigate disclosures. OSC may refer allegations of violations of law, rule or regulation; gross mismanagement; a gross waste of funds; an abuse of authority; or a substantial and specific danger to public health or safety. Disclosures referred to the agency for investigation and a report must include information sufficient for OSC to determine whether there is a substantial likelihood of wrongdoing.

You disclosed the following:

- William (Bill) Bryan manipulated DOE energy policy to further personal business interests.
- Mr. Bryan utilized his position as a DOE Special Government Employee (SGE)¹ to develop his private business interests as president of the ValueBridge Energy Group (VBEG), an entity in the same sector in which Mr. Bryan was working as a government official.

¹ Defined at 18 U.S.C. § 202.

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- Mr. Bryan was not forthright in his sworn statements to Congress,² including the following: (1) that he refrained from working in his capacity as president of VBEG while employed as a DOE SGE; (2) in mischaracterizing as strictly personal his ongoing association with Vadym Glamazdin, a former DOE Ukrainian partner; and (3) in claiming ignorance of Robert Steele's employment by VBEG as an industry expert.
- Paul Tumminia hindered U.S. interests when he disclosed proprietary U.S. government information on coal pricing to EIR Center's Olleksandr (Sasha) Kharchenko during government-assisted negotiations for the purchase of coal by Centrengo, a Ukrainian state-owned power producer, from XCoal Energy and Resources, an American coal company.

After reviewing the information you submitted, we have requested that the Secretary of DOE conduct an investigation into these allegations and report back to OSC pursuant to 5 U.S.C. § 1213(c). We have provided the Secretary 60 days to conduct the investigation and submit the report to OSC. However, you should be aware that these investigations usually take longer, and agencies frequently request and receive extensions of the due date. Should DOE request an extension in this case, we will advise you of the new due date for the report.

Because you consented to the disclosure of your name, we requested that the agency interview you at the beginning of the investigation. Although the referral for investigation generally describes your allegations, we rely on you, as the originator of the disclosure, to provide the agency additional information and an explanation of your allegations, thereby streamlining the investigation.

Unless the report is classified or otherwise not releasable by law, we will send you a copy after our review so that you may comment on the report, if you wish. When the matter is closed, the Special Counsel will transmit the report and your comments to the President and the appropriate congressional oversight committees. Copies of these documents will be maintained by OSC in a public file, which is posted on OSC's website at www.osc.gov.

We emphasize that, while OSC has found a substantial likelihood of wrongdoing based on the information you submitted in support of your allegations, our referral to the Secretary for investigation is not a final determination that the allegations are substantiated. This remains an open matter under investigation until the agency's final report is forwarded to the President and Congress.

² Senator Claire McCaskill, *Post-Hearing Questions for the Record*, Submitted to William N. Bryan (August 22, 2018). Exhibit 1.

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If you have questions or would like to discuss this matter, please contact me at [REDACTED]
[REDACTED]

Sincerely,

[REDACTED]

Attorney
Retaliation & Disclosure Unit

[REDACTED]